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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

RANDALL THOMAS NAVES,

Plaintiff,

v.

BRIAN NIELSON et al.,

Defendants.

MARTINEZ REPORT

Case No. 2:22-cv-00695-JNP

Judge Jill N. Parrish

Defendants Anna Lee Carlson, Nichole Koch, Clinton Lund and Mary Brockbader, through counsel, Christiana L. Biggs, hereby submits this *Martinez* Report.

By this report, Defendants comply with the Court's Order¹ of February 20, 2024, to submit a *Martinez* report compiling written testimony, documents, and administrative rules or policies addressing solely the issue of exhaustion. Plaintiff has failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a) and his suit is barred.

This *Martinez* Report includes Exhibits 1-14

The Declaration of Donovan Starks, a Corrections Captain with the Department of Corrections is included in this report to provide the court with an understanding of the organization and implementation of the prison move.

The Declaration of Wendy Aldrich, a DOC employee, is included in this report to provide the court with an understanding of the grievance process and procedure.

The Declarations of Clinton Lund and Mary Brockbrader, DOC employees, are included in this report to provide the court with an understanding of their search and inventorying of Naves' belongings during the prison move.

The Declarations of Nichole Koch and Anna Lee Carlson, DOC employees, are included in this report to provide the court with an understanding of the outcome of Naves' grievance relevant to this matter.

¹ [Dkt. 21](#).

Summary of Claims

At the time of the events alleged in the Complaint, Plaintiff Randall T. Naves was and currently is incarcerated at the Utah State Prison. He is not represented by counsel.

Mr. Naves has stated the following claims to which the documents contained herein are responsive:

Mr. Naves alleges interference with his Freedom of Religion because three of his religious reading materials are missing or have been disposed of.

As a matter of law, the claims brought by Mr. Naves are barred by the Prison Litigation Reform Act and the Defendants are entitled to summary judgment.

Summary of Defenses

Defendants deny the Plaintiff's allegations against them and state that they did not violate Plaintiff's constitutional rights. In addition, Defendants assert that Plaintiff has failed to timely and completely exhaust his administrative remedies available to him through the Utah Department of Corrections grievance policies and procedures. Should the court determine that the defendant or the Plaintiff has not failed to exhaust, the Defendants reserve the right to challenge the substance of plaintiff's allegations.

Plaintiff has filed one grievance concerning his property.² The level 1 Staff Response acknowledged that his grievance was approved - “approved for 1 book as it is a real book and uses Inmate Naves USP # 26930. The other “book” is a homemade item that has papers in it . . . held together by string. You will need to send those items out.” The staff returned the one book that Defendants had in their possession. Plaintiff did not file Level 2 or Level 3 grievances for any additional missing materials.

MARTINEZ REPORT

Documents relating to Mr. Naves’ claims and referred to or relied upon in the various Declarations are submitted with this *Martinez* report. Exhibit documents are categorized as follows and where appropriate filed under seal. All GRAMA Private exhibits have been designated CONFIDENTIAL INFORMATION. This *Martinez* Report consists of the following Declarations and documents:

Exhibits

1. Documents:

- a. Exhibit 1 - UDC Inmate Property Inventory. (Private) (Bates No. Nielson 000001–08).
- b. Exhibit 2 – Grievance List. (Private) (Bates No. Nielson 000009)
- c. Exhibit 3 - Grievance 990914677. (Private) (Bates No. Nielson 000010 – 14).

² [Dkt. 003-3](#), Grievance Number 990914677.

- d. Exhibit 4 – Property Forms. (Private) (Bates No. Nielson 000015 – 17).
- e. Exhibit 5 - USCF Move-Property Information Sheet. (Public) (Bates No. Nielson 000018 – 21).
- f. Exhibit 6 - UDC Inmate Property Policy, FD14. (Public) (Bates No. Nielson 000022 – 33).
- g. Exhibit 7 - UDC Grievance Policy, AG38. (Public) (Bates No. Nielson 000034 – 42).
- h. Exhibit 8 – 24 Hour Property/Laundry Protocol. (Private) (Bates No. Nielson 000043 - 45).
- i. Exhibit 9 – Disposition Form 306683. (Private) (Bates No. Nielson 000046).
- j. Exhibit 10 – Disposition Form 307611. (Private) (Bates No. Nielson 000047).

Declarations

2. Declarations:

- k. Exhibit 11 - Declaration of Captain Donovan Starks
- l. Exhibit 12 - Declaration of Clinton Lund
- m. Exhibit 13 - Declaration of Mary Brockbrader
- n. Exhibit 14 - Declaration of Anna Lee Carlson

RESPECTFULLY SUBMITTED this 22nd day of July, 2024.

OFFICE OF THE UTAH
ATTORNEY GENERAL

/s/ Christiana L. Biggs
CHRISTIANA L. BIGGS
Assistant Utah Attorney General
Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that on July 22, 2024, I electronically filed the foregoing, **DEFENDANT'S MARTINEZ REPORT INCLUDING EXHIBITS AND DECLARATIONS**, using the Court's CM/ECF system.

Randall T. Naves (#125823)
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Pro Se

/s/ R. Fielding Pratt